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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

YU, HENRY W

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,431	Applicant(s) JEAL ET AL.	
	Examiner HENRY YU	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 10/531,431.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/15/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The instant application having Application No. 10/531,431 has a total of 42 claims pending in the application; there are 2 independent claim and 40 dependent claims (many of which are of multiple dependencies), all of which are ready for examination by the examiner.

INFORMATION CONCERNING DRAWINGS

Drawings

1. The drawings are objected to because outlines for “*authentication service*” and “*payment service*” are not present, and hence it is not clear whether items 102, 104, and 16 pertain to the same component items or to different component items.

Furthermore, FIG. 1A should be relabeled as –FIG. 11A–. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 244 in FIG. 8A-8D (item 244 is only mentioned later as it pertains to FIG. 11B-11C). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "302" and "304" have both been used to designate a "mark" as shown in FIG. 10B and 10D. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures

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appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

OBJECTIONS TO THE SPECIFICATION

Title

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

*Facilitating and Authenticating Transactions through the Use of a Dongle
Interfacing a Security Card and a Data Processing Apparatus*

Specification

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A

COMPACT DISC.

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

5. The disclosure is objected to because of the following informalities:

Examiner notes that the specification has not been divided into sections as listed above (e.g. *background*, *brief summary of the invention*, and *detailed description of the invention*).

On [Page 17, line 3], a space should be placed between "PC" and "10." The same also applies to [Page 21, line 7] and [Page 42, line 16].

On [Page 18, line 7], the comma between "the" and "user" should be removed.

On [Page 23, line 10], "PC 12" should be –PC 10– to conform to the drawings.

On [Page 33, line 13], "my" should be replaced with –may–.

On [Page 40, line 3], "dongle 50" should be replaced with –dongle 250–.

On [Page 40, line 9], "*point 60*" should be replaced with *–point 260–*.

On [Page 40, line 14], "*connector 54*" should be replaced with *–connector 254–*.

On [Page 43, line 2], "*knob 96*" should be replaced with *–knob 296–*.

Appropriate correction is required.

Claim Objections

6. **Claims 6-7 and 18-42** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot itself be dependent on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the **Claims 6-7 and 18-42** have not been further treated on the merits, and if the claims are further treated on the merits, the first claim of the series of claims on which the multiple dependent claim is based on is used.

7. **Claims 1, 11, 21, 23, and 32** are objected to because of the following informalities:

Claim 1: On line 8, "*the use of*" should be replaced with *–use of–*. The same applies to claim 8 on line 8.

Claim 11: On lines 2 and 3, "*the housing*" should be replaced with *–the device housing–*.

Claim 21: On line 4, "*the respective PINs*" should be replaced with *–respective PINs–*.

Claim 23: On line 2, "*the communication*" should be replaced with *–communication–*.

Claim 32: On line 2, “*the use of a smart card*” should be replaced with –*use of a smart card*–.

Appropriate correction is required.

REJECTIONS NOT BASED ON PRIOR ART

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 1-42** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 discloses the limitation “*the authentication of a transaction*” on lines 3-4, of which there is no antecedent basis for in the claim. Examiner suggests Applicant remove the word “*the*” that is before “*authentication*.” The same problem also applies to claim 8 on lines 3-4.

Claims 2-7 and 9-42 are rejected as they inherit the deficiency that is present in **claims 1 and 8**.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1-2, 7-8, 16-18, 21, and 23-42** are rejected under 35 U.S.C. 102(b) as being anticipated by Dosch (Publication Number US 2002/0069364 A1).

As per **claim 1**, Dosch discloses *"a device for connection to a data processing apparatus, the device including first coupling means for operative coupling to authentication storage means (**identification module 15**) storing predetermined information relating to the authentication of a transaction with the data processing apparatus (**Page 2, Paragraph 0024**)," "second coupling means for operative coupling to the data processing apparatus (**through means 14; Page 2, paragraph 0025**), the device when operatively coupled to the data processing apparatus being responsive to an authentication process carried out via a communications link for authenticating the transaction, the authentication process involving the use of the predetermined information (**Page 2, paragraph 0027**)," "characterized by security data entry means for obtaining security data independently of the data processing apparatus (**Page 2, paragraph 0023**)," and "means for storing the security data temporarily (**Page 2, paragraph 0026**)."*

As per **claim 2**, Dosch discloses *"wherein the security data is stored temporarily by means of a transient power source (**represented by a power supply within the internet terminal 11; Page 2, paragraph 0026**)."*

As per **claim 7**, Dosch discloses “*means for analysing the entered security data for determining whether to allow access to the predetermined information (through an encoded authorization code; Page 2, paragraph 0027).*”

As per **claim 8**, Dosch discloses “*a device for connection to a data processing apparatus, the device including first coupling means for operative coupling to authentication storage means (identification module 15) storing predetermined information relating to the authentication of a transaction with the data processing apparatus (Page 2, Paragraph 0024),*” “*second coupling means for operative coupling to the data processing apparatus (through means 14; Page 2, paragraph 0025),*” “*the device when operatively coupled to the data processing apparatus being responsive to an authentication process carded out via a communications link for authenticating the transaction, the authentication process involving the use of the predetermined configuration information (Page 2, paragraph 0027) and characterized by configuration means for selectively rendering the second coupling means available for coupling to the data processing apparatus (Page 2, paragraph 0025).*”

As per **claim 16**, Dosch discloses “*security data entry means for obtaining security data independently of the data processing apparatus (through a means 13 for communications with the connectable identification module 15. The wording of the passage indicates that the reading of security data is automatic (particularly if RFID is used) as user intervention for obtaining security data does not occur; Page 2, paragraph 0024), and means for analysing the entered security data for*

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*determining whether to allow access to the predetermined information (**through an encoded authorization code; Page 2, paragraph 0027**)."*

As per **claim 17**, Dosch discloses "security data entry means for obtaining security data independently of the data processing apparatus (**through a means 13 for communications with the connectable identification module 15. The wording of the passage indicates that the reading of security data is automatic (particularly if RFID is used) as user intervention for obtaining security data does not occur; Page 2, paragraph 0024**)" and "means for storing the security data temporarily (**Page 2, paragraph 0026**)."

As per **claim 18**, Dosch discloses "the device controls access to the predetermined information (**through an encoded authorization code; Page 2, paragraph 0027**)."

As per **claim 21**, Dosch discloses "the security data comprise a Personal Identification Number (PIN) and analysing means compares the PIN obtained by the security data means with a PIN stored on the authentication storage means and only allows access to the predetermined information when the respective PINs match (**while the identification module 15 contains a PIN, the focus is on an encoded authorization code which is matched with the internet terminal 11 (indicating the presence of an analyzing means). The encoded authorization code prevents or makes difficult the use of imitated or unauthorized identification modules; Page 2, paragraph 0027**)."

As per **claim 23**, Dosch discloses “a data processing module for controlling the communication with the data processing apparatus (**the internet terminal 11 contains means 13 which allows the internet terminal to communicate with the identification module 15 (Page 2, paragraph 2), and means 14 which serves as an interface between the internet terminal 11 and a communication network; Page 2, paragraph 0025).**”

As per **claim 24**, Dosch discloses “the data processing module of the device is configured for communicating with a corresponding data processing module of the data processing apparatus (**through a mean 14 on the internet terminal 11; Page 2, paragraph 0025).**”

As per **claim 25**, Dosch discloses “communication between the authentication storage means (**identification module 15**) and the data processing apparatus (**internet terminal 11**) is performed via the respective data processing modules (**through means 13; Page 2, paragraph 0024).**”

As per **claim 26**, Dosch discloses the use of encryption and decryption as disclosed in the limitation “the data processing module of the device includes means for decrypting encrypted data received from the data processing module of the data processing apparatus (**mutual authentication where the internet terminal 11 and the identification module 15 legitimize one another through symmetrical or asymmetrical coding (emphasis) means; Page 3, paragraph 0030).**”

As per **claim 27**, Dosch discloses the use of encryption and decryption as disclosed in the limitation “the data processing module of the device includes means for

*encrypting data transmitted to the data processing module of the data processing apparatus (**mutual authentication where the internet terminal 11 and the identification module 15 legitimize one another through symmetrical or asymmetrical coding (emphasis) means; Page 3, paragraph 0030).***"

As per **claim 28**, Dosch discloses the use of encryption and decryption as disclosed in the limitation "*the respective data processing modules comprise a key for allowing encryption and/or decryption of data (**mutual authentication (interpreted as both transmitter and receiver contain data/key allowing for encoding/decoding of secured data) where the internet terminal 11 and the identification module 15 legitimize one another through symmetrical or asymmetrical coding (emphasis) means; Page 3, paragraph 0030).***"

As per **claim 29**, Dosch discloses the use of encryption and decryption as disclosed in the limitation "*the key comprises a shared secret key for each of the respective data processing modules (**mutual authentication (interpreted as both transmitter and receiver contain data/key allowing for encoding/decoding of secured data) where the internet terminal 11 and the identification module 15 legitimize one another through symmetrical or asymmetrical coding (emphasis) means; Page 3, paragraph 0030).***"

As per **claim 30**, Dosch discloses "*the device is operatively coupleable to one of more of a plurality of said authentication storage means (**identification module 15**), each of which is registerable with a common telecommunication system, and wherein*

the authentication process is performed by a communications link with the telecommunications system (Page 3, paragraph 0029)."

As per **claim 31**, Dosch discloses "*the predetermined authentication information stored by each authentication storage means corresponds to information which is used to authenticate a user of that authentication storage means in relation to the telecommunications system (Page 3, paragraphs 0028-0029).*"

As per **claim 32**, Dosch discloses "*each user is authenticated in the telecommunications system by means of the use of a smart card or subscriber identity module (e.g. SIM) (the system of Dosch relates to an identification module utilizing SIM for use with an internet terminal, with the internet terminal capable of mobile communications; Page 1, paragraph 0001), and in which the authentication storage means respective to that user corresponds to or simulates the smart card for that user (Page 3, paragraph 0028).*"

As per **claim 33**, Dosch discloses "*the transaction is a transaction involving use of the data processing functions of the data processing apparatus (Page 3, paragraph 0033).*"

As per **claim 34**, Dosch discloses "*the authentication storage means is specific to that device (the identification module 15 contains an encoded authorization code which prevents or makes difficult the use of imitated or unauthorized identification modules; Page 2, paragraph 0027).*"

As per **claim 35**, Dosch discloses "*the authentication process involves the sending of a message and the generation of a response dependent on the message*

*and the predetermined information (**mutual authentication where the internet terminal 11 and the identification module 15 legitimize one another through symmetrical or asymmetrical coding (emphasis) means; Page 3, paragraph 0030).***"

As per **claim 36**, Dosch discloses "*the telecommunications system includes means for levying a charge for the transaction when authorised (**access subject to costs may be charged for the duration of the access; Page 3, paragraph 0035).***"

As per **claim 38**, Dosch discloses "*the device of any one of the preceding claims in combination with the data processing apparatus (**internet terminal 11 with the means 13 communicates with systems (e.g. 42 and 22) over a network; FIG. 4).***"

As per **claim 39**, Dosch discloses "*the device of any one of the preceding claims in combination with the telecommunications system (**represented by a cellular mobile telephone network; Page 3, paragraph 0033).***"

As per **claim 40**, Dosch discloses "*the authentication storage means communicates wirelessly to authenticate the transaction (**the identification module 15 may be designed as a contactless transponder through such means as radio-frequency identification; Page 2, paragraph 0024).***"

As per **claim 41**, Dosch discloses "*the authentication storage means comprises a smart card or SIM which authenticates the transaction when the smart card or SIM is operable in a mobile terminal (**the system of Dosch relates to an identification module utilizing SIM for use with an internet terminal, with the internet terminal capable of mobile communications; Page 1, paragraph 0001).***"

As per **claim 42**, Dosch discloses "*the authentication storage means comprises a smart card or SIM which is further operable to authenticate a mobile terminal for use in the system (the system of Dosch relates to an identification module utilizing SIM for use with an internet terminal, with the internet terminal capable of mobile communications; Page 1, paragraph 0001).*"

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 3-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dosch (Publication Number US 2002/0069364 A1) in view of Zhou et al. (Patent Number US 6,559,620 B2).

As per **claim 3**, while Dosch discloses "*the device*" (*see rejection to preceding claims above*), Zhou et al. discloses the use of piezo-electric means as disclosed in the limitation "*the transient power source comprises piezo electric means (transducer 720, which can be a piezo-electric device; Column 7, line 35).*"

It would have been obvious to one of ordinary skill in the art to combine the device of Dosch with piezo-electric elements as disclosed by Zhou et al. since in several situations it is difficult to ascertain the remaining amount of energy supply of an internal

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battery at a given time [**Column 1, lines 18-20**]. Utilizing an internal piezo-electric element for electrical charge can preclude not only having to periodically charge any internal batteries through an outside source, but also ensure the existence of electrical power even if an internal battery is drained as piezo-electric components generate electrical energy through mechanical means.

As per **claim 4**, Dosch and Zhou et al. discloses "*the device*" (see rejection to **claim 3** above). Zhou et al. further discloses "*the piezo electric means comprises one or more piezo electric cells (a piezo-electric device (note that the claim disclosed one 'or' more, and hence can be interpreted as the system can contain only one cell); Column 7, line 35).*"

As per **claim 5**, while Dosch discloses "*the device*" (see rejection to preceding claims above), Zhou et al. discloses the idea of a power source through an input means as "*the transient power source is charged by the security data entry means (the example shown has the piezo-electric based transducer having mechanical pressure exerted upon it is generate an electrical signal (Column 7, lines 42-47). It would have been obvious to equate the passage with a entry means utilizing piezo-electric components as such components produce electrical signals through mechanical (such as pressing a button) means).*"

It would have been obvious to one of ordinary skill in the art to combine the device of Dosch with piezo-electric elements as disclosed by Zhou et al. since in several situations it is difficult to ascertain the remaining amount of energy supply of an internal battery at a given time [**Column 1, lines 18-20**]. Utilizing an internal piezo-electric

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element for electrical charge can preclude not only having to periodically charge any internal batteries through an outside source, but also ensure the existence of electrical power even if an internal battery is drained as piezo-electric components generate electrical energy through mechanical means.

As per **claim 6**, while Dosch discloses "*the device*" (see rejection to preceding claims above), Zhou et al. discloses "*the transient power source comprises a rechargeable battery (Column 7, line 32).*"

It would have been obvious to one of ordinary skill in the art to combine the device of Dosch with a rechargeable battery as disclosed by Zhou et al. in order to prevent a physical waste of batteries [**Column 1, line 21**].

14. **Claims 9-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dosch (Publication Number US 2002/0069364 A1) in view of Wang (Patent Number US 5,813,421).

As per **claim 9**, while Dosch discloses "*the device*" (see rejection to **claim 8** above), Wang discloses "*the configuration means comprises means for selectively making the second coupling means available externally of the device housing (through the use of a lipstick swivel mechanism that is designed to protrude out or to withdraw back into its housing by rotating operation of an enclosed object; Column 1, lines 10-12).*"

It would have been obvious to one of ordinary skill in the art to combine the device of Dosch with a configuration means for selectively making a coupling means (or any object within a housing) available externally of a housing as disclosed by Wang in

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order to protect the coupling means (or any object within a housing) when not in use.

Only when in use is the coupling means (or any object within a housing) made available externally of the housing.

As per **claim 10**, the combination of Dosch and Wang discloses "*the device*" (see rejection to **claim 9** above). Wang further discloses "*the configuration means comprises a removable cap (upper lid 21; FIG. 3A).*"

As per **claim 11**, the combination of Dosch and Wang discloses "*the device*" (see rejection to **claim 9** above). Wang further discloses "*the configuration means comprises a closure member coupled to and moveable with respect to the housing for selectively closing an aperture in the housing (Column 1, lines 12-27).*"

As per **claim 12**, the combination of Dosch and Wang discloses "*the device*" (see rejection to **claim 9** above). Wang further discloses "*interconnection means for connecting the closure member and the second coupling means (a screw-cup member 12 include a cup portion 12a for holding a bullet; Column 1, lines 19-20), the arrangement being such that, as the closure member is moved to open the aperture, the second coupling means emerges from the aperture (Column 1, lines 19-27).*"

As per **claim 13**, while Dosch discloses "*the device*" (see rejection to **claim 8** above), Wang discloses "*a knob mounted on the device housing for rotation with respect thereto (a spiral-base member 15 that can be turned), and means for converting rotation of said knob into linear movement of the second coupling means such that rotation of said knob in a first direction causes the second coupling means to emerge from an aperture in the device housing (when the spiral-base member 15 is*

***turned, the bullet held by the cup portion is protruded)* and rotation of said knob in a second direction causes the second coupling means to be retracted through said aperture (when the spiral-base member 15 is turned, the bullet held by the cup portion is withdrawn; Column 1, lines 19-30)."**

It would have been obvious to one of ordinary skill in the art to combine the device of Dosch with a configuration means for selectively making a coupling means (or any object within a housing) available externally of a housing as disclosed by Wang in order to protect the coupling means (or any object within a housing) when not in use. Only when in use is the coupling means (or any object within a housing) made available externally of the housing.

As per **claim 14**, the combination of Dosch and Wang discloses "*the device*" (see rejection to **claim 9** above). Wang further discloses "*the device housing includes two parts (screw-cup member 12 and a cup portion 12a for holding a bullet) moveable with respect to one another between a first arrangement where the second coupling means is contained within the housing (when the spiral-base member 15 is turned, the bullet held by the cup portion is protruded) and a second arrangement where the second coupling means is exposed for connection to the data processing apparatus (when the spiral-base member 15 is turned, the bullet held by the cup portion is withdrawn; Column 1, lines 19-30)."*

As per **claim 15**, the combination of Dosch and Wang discloses "*the device*" (see rejection to **claim 9** above). Wang further discloses "*the two parts are pivotally coupled*

together (the cup portion 12a is integrally formed with a screw portion 12b; Column 1, lines 20-22)."

15. **Claims 19-20, 22, and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dosch (Publication Number US 2002/0069364 A1) in view of Gregory et al. (Patent Number US 7,266,849 B1).

As per **claim 19**, while Dosch discloses "the device" (see rejection to preceding claims above), Gregory et al. discloses "the security data entry means comprises alphanumeric data entry means (***before the system is enabled (in this embodiment a washing machine), a sequence of pushbutton depressions or keypad (emphasis) depressions must be implemented; Column 3, lines 54-60***)."

It would have been obvious to one of ordinary skill in the art to combine the device of Dosch with a security entry means comprising an alphanumeric data entry means as disclosed by Gregory et al. as a means of deterring unauthorized use of electronic devices [**Column 1 lines 6-7**], where in this case a correct code must be manually entered.

As per **claim 20**, while Dosch discloses "the device" (see rejection to preceding claims above), Gregory et al. discloses "the security data entry means comprises a keypad (***before the system is enabled (in this embodiment a washing machine), a sequence of pushbutton depressions or keypad (emphasis) depressions must be implemented; Column 3, lines 54-60***)."

It would have been obvious to one of ordinary skill in the art to combine the device of Dosch with a security entry means comprising a keypad as disclosed by

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Gregory et al. as a means of deterring unauthorized use of electronic devices [**Column 1 lines 6-7**], where in this case a correct code must be manually entered.

As per **claim 22**, while Dosch discloses "*the device*" (see rejection to preceding claims above), Gregory et al. discloses "*a display for displaying security information (display 36 such as an LED array; Column 3, lines 37).*"

It would have been obvious to one of ordinary skill in the art to combine the device of Dosch with a security entry means comprising a keypad as disclosed by Gregory et al. as a means of deterring unauthorized use of electronic devices [**Column 1 lines 6-7**], where the device can display the necessary procedures that the user must go through to use the device.

As per **claim 37**, while Dosch discloses "*the device*" (see rejection to preceding claims above), Gregory et al. discloses "*the security data entry means comprises a rotary knob (before the system is enabled (in this embodiment a washing machine), a sequence of control knob (emphasis) settings must be implemented; Column 3, lines 54-60).*"

It would have been obvious to one of ordinary skill in the art to combine the device of Dosch with a security entry means comprising a knob as disclosed by Gregory et al. as a means of deterring unauthorized use of electronic devices [**Column 1 lines 6-7**], where in this case a correct code must be manually entered.

ACKNOWLEDGEMENT OF REFERENCES CITED BY APPLICANT

16. As required by **M.P.E.P. 609(c)**, the applicant's submission of the Information Disclosure Statement dated April 15, 2005, is acknowledged by the examiner and the

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cited references have been considered in the examination of the claims now pending.

As required by **M.P.E.P 609 C(2)**, a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

RELEVANT ART CITED BY THE EXAMINER

17. The following prior art made of record and relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See **MPEP 707.05(c)**.

18. The following references are used by Examiner as further references, particularly in device security.

U.S. PATENT NUMBERS:

4,935,962

5,267,315

5,778,071

7,109,865 B2

7,032,240 B1

CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

19. The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P 707.07(i)**:

a(1). CLAIMS REJECTED IN THE APPLICATION

20. Per the instant office action, claims 1-42 have received a first action on the merits and are subject of a first action non-final.

21. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY YU whose telephone number is (571)272-9779. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TARIQ HAFIZ can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. Y./
Examiner, Art Unit 2182
May 20, 2009

/Tammara Peyton/
Primary Examiner, 2182